

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

EXPRESS FREIGHT SYSTEMS INC.,

Plaintiff,

- against -

YMB ENTERPRISES INC.,

Defendants.

Case: 1:20-cv-00186-ARR-LB

ANSWER AND AFFIRMATIVE DEFENSES

Defendant YMB Enterprises Inc. (“YMB”) by its attorneys, Levi Huebner & Associates PC answers the complaint filed by Plaintiff Express Freight Systems Inc. (“Plaintiff”), as follows:

1. The paragraphs numbered as 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, and 64 are denied.

2. Defendant lacks sufficient information or knowledge to respond to paragraph numbered 1.

3. The unnumbered paragraph beginning as “Jurisdiction and venue” is denied in its entirety, except Defendant admits to being “headquartered and/or resides in New York.”

4. All the unnumbered paragraphs beginning with the word “WHEREFORE” are denied.

5. FIRST AFFIRMATIVE DEFENSE: Plaintiff’s claims fail to meet the controversy necessary to maintain the Court’s jurisdiction.

6. SECOND AFFIRMATIVE DEFENSE: one or more causes of action itemized by Plaintiff in the complaint fail to state a claim upon which relief can be granted.

7. THIRD AFFIRMATIVE DEFENSE: one or more causes of action itemized by Plaintiff in the complaint lack subject-matter jurisdiction over Defendant.

8. FOURTH AFFIRMATIVE DEFENSE: one or more causes of action itemized by Plaintiff in the complaint are barred by unclean hands in attempting to create a monopoly; as a product of strong-arming bona fide carriers from doing any direct business with Furmano, in an ill effort to manipulate Furmano to exclusively rely on Plaintiff’s brokerage firm.

9. FIFTH AFFIRMATIVE DEFENSE: one or more causes of action itemized by Plaintiff in the complaint are duplicate of each other.

10. SIXTH AFFIRMATIVE DEFENSE: one or more causes of action itemized by Plaintiff in the complaint are refuted by documentary evidence.

11. SEVENTH AFFIRMATIVE DEFENSE: one or more causes of actions itemized by Plaintiff in the complaint ought to be dismissed as Defendants did not commit any wrongdoing.

12. EIGHTH AFFIRMATIVE DEFENSE: one or more causes of actions itemized by Plaintiff in the complaint ought to be dismissed as the court has not jurisdiction of the person of the Defendant.

Defendant reserves a jury trial for questions of fact.

Wherefore, Defendant requests that the Court dismiss this action in its entirety, award Defendant legal fees and costs, and grant such other and further relief deemed just and appropriate.

Dated: Brooklyn, NY
May 4, 2020

Levi Huebner & Associates PC

/s/ Levi Huebner

By: Levi Huebner

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Attorneys for Defendant

YMB ENTERPRISES INC.